

REMARKS

A listing of the pending claims are presented for the Examiner's convenience.

As a preliminary matter, it is noted that the Examiner has not provided an initialed copy of the Information Disclosure Statement filed on April 2, 2004. A copy of the IDS and stamped-post card showing receipt by the PTO is attached hereto for the Examiner's reference. It is respectfully requested that the Examiner provide Applicant an initialed copy of the IDS indicating that each of the prior art references cited therein have been considered and made of record.

The indication of allowable subject matter in claims 5-10, 13 and 16-18 is acknowledged and appreciated. In view of the following remarks, it is respectfully submitted that all claims are in condition for allowance.

Claim 11 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Balram et al. '699 ("Balram"), and claim 12 stands rejected under 35 U.S.C. § 103 as being unpatentable over Balram in view of Dao '848. Claim 11 is independent. These rejections are respectfully traversed for the following reasons.

The Examiner has maintained the aforementioned rejections and asserts at the bottom of page 5 of the outstanding Office Action (i.e., under heading "Response to Arguments) that "Applicant should submit an argument ... pointing out disagreements with the examiner's contentions ... and [explain] how the claims avoid the references or distinguish from them."

However, it is respectfully submitted that Applicant has in fact already responded to the pending rejections in the response filed on March 31, 2004.

It is respectfully submitted that the outstanding Office Action does not address the arguments set forth in the response filed on March 31, 2004. The Examiner is directed to MPEP § 707.07(f) under the heading “Answer All Material Traversed”, which sets forth the applicable requirement: “[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant’s argument and answer the substance of it.” It should be noted that a Supplemental Amendment was filed on May 13, 2004 which added new claims 16-18, and it appears that the Examiner may have considered only the Supplemental Amendment in the outstanding Office Action (*see* Office Action Summary, box 1, which indicates that the outstanding Office Action is responsive to the communication filed on May 13, 2004 but is silent as to the communication filed on March 31, 2004).

Indeed, prior to filing the response on March 31, 2004, Applicant’s representative had conducted a telephone interview with Examiner Tran and Supervisory Examiner Bella, during which it was agreed that claims 11 and 12 were patentable over Balram, alone or in combination with Dao, so that the pending rejections would be withdrawn. For the Examiner’s convenience, the arguments presented in the response filed on March 31, 2004, which summarized the agreement made during the interview, are reprinted below (a copy of the stamped post-card is also enclosed evidencing that the response filed on March 31, 2004 was received by the PTO):

Claim 11 recites in pertinent part, “data storage means with data storage areas on which multiple coordinate data are storables, the coordinate data including ***first and second coordinate data of the line connecting the start and end points together;*** ... wherein the divided data is stored as third coordinate data on a

predetermined one of *the* data storage areas" (emphasis added). In contrast, the alleged data storage area 187 of Balram is merely a conventional display/frame buffer for displaying the final image data. Neither frame buffer 187 nor FIFO's 132, 133 store *upstream* coordinate data of the line connecting the start and end points together with *downstream* divided data.

Balram discloses a conventional one-way data path of processing ending where the processed data is displayed in the frame buffer 187 of the display 166, whereas the present invention can allow the divided data to be fed back to the data storage areas for subsequent processing by the adding and divide-by-two means.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Balram does not anticipate claim 11, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 11 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable

based on their own merits by adding novel and non-obvious features to the combination.

Based on all the foregoing, it is respectfully submitted that claims 11 and 12 are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102/103 be withdrawn.

CONCLUSION

Having fully and completely responded to the Office Action, Applicant submits that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Applicant: Tetsuji KISHIDocket No. 43889-984Title: APPARATUS AND METHOD FOR DRAWING LINESSerial/Reg./Patent No. 09/677,821Date Sent: 4/2/04 Hand Carried Fax Electronic Cert. of Mailing Express Mail No. _____ Transmittal Letter New Patent App Utility Design Cont. CIP Div. PCT RCE Prov. Other: _____ Letter submitting _____ pages of drawings Req. for Approval of Drawing Amendments Req. for Oral Hearing Not of Appeal Appeal Brief Reply Brief Rule 312 Amendment/Letter Req. for Acknowledgement of Cited Art Issue Fee Publication Fee Req. for Certificate of Correction Maintenance Fee for _____ years after grant Fee Address Indication Form Terminal Disclaimer Petition to Commissioner Status Inquiry Other JPO Office Action

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- Small Entity Large Entity
- Declaration/Power of Attorney
- Recordation of Assignment/Security Agreement
- Corrected Information Disclosure Statement
- Corrected Form PTO 1449
- 2 copies of cited JP references
- Preliminary Amendment
- Response to Missing Parts Notice
- Resp. to Notice to Correct App. Papers
- Certified Copy of Priority Doc.
- Claim for Convention Priority
- Response/Amendment to Office Action of _____
- Request for _____ month Extension of Time

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THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

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OCT 15 2004

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